

Appl. No. 09/876,411
Amdt. Dated June 12, 2007
Reply to Office Action of March 12, 2007

RECEIVED
CENTRAL FAX CENTER

JUN 12 2007

REMARKS

Applicants have added new claims 19 and 20 to include the limitation of claims 1 and 3, respectively, rejected by the Examiner under 35 U.S.C. §112. Applicants have modified the claim limitation in order to comport with their disclosure. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1 and 3 under 35 U.S.C. §112.

Applicants note that the claim limitation removed from claims 1 and 3 was previously added in order to clarify that the specified wave absorber cannot possibly function as an antenna, an assertion made by the Examiner in a previous Office Action. Accordingly, Applicants have removed this limitation, previously added to aid the Examiner's understanding of the subject matter (See the December 16, 2005 Amendment), from the independent claims 1 and 3.

Applicants respectfully request reconsideration of the Examiner's rejection of claims 1, 2, 17, and 18 under 35 U.S.C. §103(a) as being unpatentable over Thiel (6,288,682) in view of Paulick (5,710,987).

Under Section 2143 of the MPEP, in order to establish a prima facie case of obviousness, the Examiner must meet three basic criteria. "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

Appl. No. 09/876,411
Amdt. Dated June 12, 2007
Reply to Office Action of March 12, 2007

MPEP §2143 rev. 3 (August, 2005). Applicants' assert that the Examiner has failed to establish a prima facie case of obviousness for at least the reason that the prior art references fail to teach or suggest all of the claim limitations, and the reason that the Examiner has failed to set forth any teaching or suggestion to combine.

Applicants note that the Thiel reference is directed to an antenna design that provides directionality of the emitted signal and thereby reduces the amount of RF energy reaching a user. (See the Abstract of the Invention section and Column 1, lines 41 – 44). Thiel discloses two methods for accomplishing this goal. In a first embodiment, Thiel discloses a reflector plate 12 comprised of a conductive sheet 22 and a dielectric 24 which reflects radiation produced by the antenna, causing the reflected radiation to act in an additive manner and maximize the transmitted signal. (See Fig.'s 1a – 1c and Column 4, lines 40 – 61). In a second embodiment, Thiel discloses an antenna 30 (preferably solid) including four equally spaced quarter-wavelength monopole elements 32 – 38 mounted on an outer surface of the dielectric cylinder 40. (See Column 5, lines 1 – 6). Importantly, only one of the monopoles is active at a time, while the remaining three monopoles are connected to ground. (See Fig. 2). An additional circuit could be added to provide switching of the active monopole between the four available monopoles to provide directionality of the transmitted signal. (See Column 7, lines 25 – 29).

Importantly, and counter to the Examiner's assertion on page 3 of the last Office Action, the dielectric cylinder 60 does not surround the transceiver circuit 78. As disclosed in Column 5, line 6, the Thiel antenna 50 is preferably a solid element. The supporting circuitry shown in Fig. 3 (decoder 72, controller 74, and transceiver 78) would be included in

Appl. No. 09/876,411
Amdt. Dated June 12, 2007
Reply to Office Action of March 12, 2007

the phone case 20 below the antenna, not in the actual antenna, as apparently asserted by the Examiner.

Furthermore, the Examiner has appeared to combine the two embodiments disclosed in Thiel without providing any citation to the Thiel reference which discloses the combination of these two elements. Rather, Applicants submit that Thiel discloses the two embodiments (Fig. 1's directional reflector 12 and Fig. 3's electronically steerable antenna) in the alternative. This must be true as the imposition of the reflector 12 would prevent the electronically steerable antenna from operating properly in all directions. Furthermore, in Column 7, lines 40 – 41, Thiel discloses that the antenna of Fig. 3 does not guarantee a reduction in the exposure of a user to high energy radiation, but only may reduce it (likely depending on which monopole is currently active). Accordingly, Applicants submit that the Examiner's combination of the alternative embodiments of Thiel is improper and is not supported by the reference.

Finally, Applicants submit that, in contrast to Applicant's claims, Applicant's disclosure, and the Kotsuka disclosure, the reflector 12 of Thiel is not an electromagnetic wave absorber, and is not comprised of electromagnetic wave-absorbing material. As disclosed in Column 4, lines 58 – 61 of Thiel, the structure 12 reflects the signal radiated from the antenna in an additive manner in order to maximize a transmitted signal. Such a structure fails to read on the currently claimed electromagnetic wave-absorbing material.

Applicants further note that the Examiner appears to attempt to make a combination rejection utilizing the Paulick reference on page 4 of the Office Action. However, the Examiner attributes the same exact disclosure to both Thiel and Paulick. ("...discloses a

Appl. No. 09/876,411
Amdt. Dated June 12, 2007
Reply to Office Action of March 12, 2007

signal processing circuit for processing a signal corresponding to a wireless signal received by the antenna.”) Applicants are unclear what the Examiner is attempting to assert, and what portions of these references the Examiner is attempting to combine. If required, Applicants respectfully request clarification in a non-final action so that Applicants may be allowed the chance to fully respond.

Applicants also respectfully request that the Examiner set forth where each and every limitation of claims 8, 11, 12, 13, 15, and 16 are shown in the prior art references. The Examiner has failed to even mention the additional claim limitations set forth in these dependent claims, let alone provide citations to the references where these additional limitations can be found. If required, Applicants respectfully request clarification in a non-final action so that Applicants may be allowed the chance to fully respond.

In light of the foregoing, Applicants respectfully submit that all claims now stand in condition for allowance. The undersigned invites the Examiner to contact him directly should there be a need to address any informalities or substantive arguments.

Appl. No. 09/876,411
Amdt. Dated June 12, 2007
Reply to Office Action of March 12, 2007

RECEIVED
CENTRAL FAX CENTER

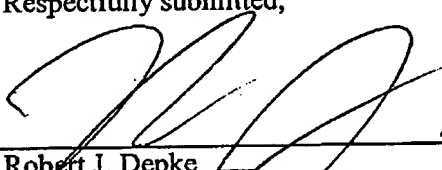
JUN 12 2007

In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

Date:

6/12/07


Robert J. Depke
**ROCKEY, DEPKE, LYONS &
KITZINGER, LLC**
Sears Tower, Suite 5450
Chicago, Illinois 60606-6306
Tel: (312) 277-2006
Attorneys for Applicant

(Reg. #37,667)